

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA)	CR No.: 3:09-501-JFA
)	
v.)	ORDER
)	
JEROME R. GARDNER, JR.)	
_____)	

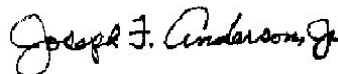
This matter is before the court upon defendant's motion for a reduction of sentence filed pursuant to 18 U.S.C. § 3582. The motion is based on Amendment 750 to the United States Sentencing Guidelines regarding crack cocaine offenses.

The government has responded in opposition to the motion noting that the Presentence Report (PSR) in Gardner's case was already based upon a 1 to 1 crack to cocaine ratio. Based upon his prior state felony drug conviction, the defendant was subject to a statutory mandatory minimum sentence of 120 months which the court imposed. Thus, the defendant cannot avail himself of the new Amendment.

Accordingly, the defendant's motion for a reduction of his sentence (ECF No. 1557) is denied.

IT IS SO ORDERED.

November 9, 2011
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge